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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,028

06/15/2006

Harue Nakashima

0756-7743

9196

31780

7590

11/04/2010

Robinson Intellectual Property Law Office, P.C.  
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EXAMINER

CLARK, GREGORY D

ART UNIT

PAPER NUMBER

1786

MAIL DATE

DELIVERY MODE

11/04/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Supplemental  
Notice of Allowability**

Application No.

10/583,028

Examiner

GREGORY CLARK

Applicant(s)

NAKASHIMA ET AL.

Art Unit

1786

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/28/2010.
2. ☒ The allowed claim(s) is/are 1,2,5,6,9,10,13,14,17,18,21,22,25,26,29,30 and 33-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/GREGORY CLARK/  
Examiner, Art Unit 1786

/D. Lawrence Tarazano/  
Supervisory Patent Examiner, Art Unit 1786

### **DETAILED ACTION**

The examiner received a call from Robert Pilaud on 10/28/2010 related to Notice of Allowance dated 10/27/2010. It was brought to the examiner's attention that claim 47 should not have been canceled in the Notice of Allowance, because the reason for the deletion of dependent claims 3, 7, 11, 15, 19, 23, 27 and 31 does not apply to claim 47. Namely, in the Amendment filed 06/17/2010, independent claims 1, 5, 9, 13, 17, 21, 25 and 29 were amended to remove the recitation of  $R^2$  being "one selected from the group consisting of hydrogen, an alkyl group having 1 to 6 carbon atoms, and.." Independent claim 45 was not amended in the same manner as independent claims 1, 5, 9, 13, 17, 21, 25 and 29, but the X and Y groups are limited to a divalent heterocyclic group having 5 to 10 carbon atoms. As a result, claim 47 should not have been deleted.

Also on page 2 of the office action, the examiner inadvertently indicated that claim 5 was canceled; however, the examiner intended to indicate that claim 3 was canceled not claim 5.

This supplemental Allowance is set forth to correct the issues detailed above.

Claims 1-2, 5-6, 9-10, 13-14, 17-18, 21-22, 25-26, 29-30 and 33-47 allowed.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY CLARK whose telephone number is (571)270-7087. The examiner can normally be reached on M-Th 7:00 AM to 5 PM Alternating Fri 7:30 AM to 4 PM and Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Lawrence Tarazano/  
Supervisory Patent Examiner, Art Unit 1786

GREGORY CLARK/GDC/  
Examiner  
Art Unit 1786